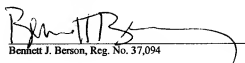


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Date of Signature and Deposit: May 14, 2009


Bennett J. Berson, Reg. No. 37,094

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James M. Ntambi *et al.*

Date: May 14, 2009

Serial No.: 10/620,404

Art Unit: 1616

Filing Date: July 16, 2003

Examiner: Andriae M. Holt

Title: METHOD FOR INCREASING INSULIN
SENSITIVITY AND FOR TREATING
AND PREVENTING TYPE 2 DIABETES

File No.: 960296.99128

Confirmation No.: 2922

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Claims 6-11 are currently pending in this application. In an Office Action mailed March 18, 2009, the Examiner imposed a restriction requirement in the above-identified application. Applicants note that they neither acquiesce nor agree with the Examiner's reasoning but wish to move the case along in a timely manner. Accordingly, Applicants hereby provisionally elect with traverse Group II (Claim 7) and further elect as an antisense oligonucleotide species a 20 mer antisense oligonucleotide complementary to the 5' end of the SCD1 mRNA that extends 2 base pairs beyond the 5' start site of transcription. Claim 7 reads on the elected species. One of ordinary skill in the art knows how to make and use such antisense oligonucleotide species.

Applicants traverse the restriction requirement in that such requirements are optional in all cases (MPEP §803). If the search and examination of a set of claims can be made without

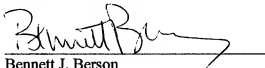
serious burden, the Examiner must examine them on the merits, even though they may arguably be directed at distinct or independent inventions (MPEP §803). Further, Applicants submit that Claim 8 is generic to restriction Groups I-IV because it is directed at a method of increasing insulin sensitivity in a human or non-human subject by reducing SCD1 enzymatic activity. The enzymatic activity of SCD1 can be reduced by reducing SCD1 activity, which is recited by the claims of all four restriction groups. This includes reduction in activity by reduction of productive transcription and translation of ribonucleic acid that encodes the SCD1 enzyme in the subject. Claim 8 is, therefore, a linking claim to all four restriction groups.

Fees

A Petition for an extension of time of one month accompanies this response so the response will be deemed to have been timely filed. Should any additional extension of time be due in this or any subsequent response, please consider this to be a petition for the appropriate extension of time and request to charge the petition fee to Deposit Account No. 17-0055.

No other fee is believed due in connection with this response. However, should any other fee be due in this or any subsequent response, please consider this a request to charge the fee to the same deposit account.

Respectfully submitted,



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